

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BALAPUWADUGE MENDIS, MICHAEL
11 FEOLA, ANDREA ARBAUGH, and
12 EDWARD ASH, on their own and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 and

16 THE STATE OF WASHINGTON,

17 Plaintiff-Intervenor,

18 v.

19 SCHNEIDER NATIONAL CARRIERS,
20 INC.,

21 Defendant.

22 CASE NO. C15-0144-JCC

23 ORDER AND CERTIFICATION

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26 Defendant in the above-referenced matter filed a motion for partial summary judgment
on March 23, 2018 (Dkt. No. 146). Included in the motion are arguments challenging the
validity of Washington State's minimum wage and break laws, based on federal preemption
and the prohibition against extraterritoriality. (*Id.* at 13–36.) Defendant Schneider National
Carrier filed its Notice of Constitutional Challenge on March 27, 2018 (Dkt. No. 148). The

1 Attorney General for the State of Washington moved to intervene on April 11, 2018 and filed a
2 response in opposition to Defendant's motion for partial summary judgment on April 23, 2018.
3 (Dkt. Nos. 152, 161). Defendant has filed a reply to Washington's response. (Dkt. No. 164).
4 Pursuant to 28 U.S.C. § 2403(b) and Rule 5.1(b) of the Federal Rules of Civil Procedure, the
5 Court hereby CERTIFIES the following issue to the Washington State Attorney General:

6 1. The validity of Washington State's minimum wage and break laws—whether
7 Revised Code of Washington sections 49.12.020, 49.46.130 and Washington Administrative
8 Code sections 296-126-092, 296-128-012 violate the Supremacy Clause of the U.S.
9 Constitution and the Due Process Clause of the Fourteenth Amendment of the U.S.
10 Constitution.

12 Accordingly, the Court hereby ORDERS:

13 1. The State of Washington's motion to intervene (Dkt. No. 152) is GRANTED
14 solely as to the matters described above.

15 2. The Clerk is DIRECTED to update the caption to reflect the status of
16 Washington State as Plaintiff-Intervenor.

18 3. The Clerk SHALL send a copy of this Order and Certification to counsel of
19 record for all parties, including Washington State.

20 DATED this 1st day of May 2018.



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John C. Coughenour
UNITED STATES DISTRICT JUDGE